

IN THE SUPREME COURT OF THE STATE OF DELAWARE

	§	No. 333, 2010
	§	
IN RE CNX GAS CORPORATION	§	Court Below—Court of
SHAREHOLDERS LITIGATION	§	Chancery of the State of
	§	Delaware
	§	
	§	C.A. No. 5377

Submitted: July 6, 2010

Decided: July 8, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

**ORDER**

This 8th day of July 2010, it appears to the Court that:

(1) The defendants-appellants have petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from the Court of Chancery's interlocutory opinion and order of May 25, 2010. By memorandum opinion dated July 5, 2010, the Court of Chancery granted the appellants' application for certification.

(2) Applications for interlocutory review are addressed to the sound discretion of this Court. The Court has examined the Court of Chancery's May 25, 2010 opinion and order according to the criteria in Rule 42. We have concluded that the appellants' application for interlocutory review should be refused based upon the current state of the record. The

issues raised in this application should be addressed after the entry of a final judgment.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice